

For the duty of the Board to adopt and enforce standards for applicants and licenses see § 8-205 of this title.

The second clause of present Art. 43, § 771, which requires payment of a fee, now appears in § 8-303 of this subtitle.

The requirement in present Art. 43, § 771 that an applicant be "a citizen of the United States or has duly declared his intention of becoming a citizen of the United States" is deleted as unconstitutional because it creates a "suspect classification" that does not withstand the "close judicial scrutiny" required for most state occupational licensing under the Equal Protection Clause of the 14th Amendment of the United States Constitution. See Examining Board of Engineers, Architects, and Surveyors v. Flores De Otero, 426 U.S. 572 (1976); and In re Griffiths, 413 U.S. 717 (1973). The attention of the General Assembly is called to this deletion.

8-303. APPLICATIONS FOR LICENSES.

TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

- (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE BOARD REQUIRES; AND
- (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.

REVISOR'S NOTE: Item (1) of this section is standard language added to this and, where necessary, corresponding sections of other titles of this article. It states expressly a provision that presently is only implied in the law; i.e., that applications may be made only on the form required by the Board.

Item (2) of this section is new language derived without substantive change from the reference to paying a fee in Art. 43, § 771.

8-304. APPLICATION FILES.

- (A) BOARD TO KEEP FILES.

THE BOARD SHALL KEEP A FILE OF EACH LICENSING APPLICATION MADE UNDER THIS SUBTITLE.

- (B) CONTENTS.

THE FILE SHALL CONTAIN: